

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested. Applicant petitions for a Three-Month Extension of Time to reply to the office action mailed December 23, 2009. Reconsideration of the application is respectfully requested.

Claims 19, 21, and 31 are rejected under 35 U.S.C. §103(a) as allegedly being allegedly being unpatentable over U.S. Patent No. 3,788,327 to Donowitz in view of U.S. Patent No. 5,807,302 to Wandel. However, Donowitz and Wandel, both alone and in combination, fail to teach or suggest every element of claims 1 and 21.

For example, both Donowitz and Wandel fail to disclose or suggest that the distal end of the shunt is cone-shaped such that the diameter of the distal end gradually reduces moving in a distal direction. Neither Donowitz or Wandel have such a cone-shaped distal end.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection of independent claims 19 and 21.

Claim 20 was rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Donowitz in view of Wandel and U.S. Patent No. 5,743,868 to Brown. As discussed above, independent claim 19 recites features that are not taught or suggested by Donowitz. Wandel and Brown fail to provide the missing teachings. Claim 20 is patentable based on its dependency on claim 19 as well as on its own merit.

CONCLUSION

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper.

In view of the above amendments and remarks, reconsideration and allowance of the application are respectfully requested.

Please apply the total filing fee of \$960 to Deposit Account No. 50-0311. No additional fees are believed to be due, however, the Commissioner is hereby authorized to charge any additional fees or credit overpayments to Deposit Account No. 50-0311.

Respectfully submitted,

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